

**2003 DRAFTING REQUEST****Bill**Received: **04/17/2003**Received By: **mkunkel**Wanted: **As time permits**

Identical to LRB:

For: **Steve Wieckert (608) 266-3070**By/Representing: **Scott Becher**This file may be shown to any legislator: **NO**Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Health - miscellaneous  
Occupational Reg. - misc**Extra Copies: **DAK, PJH**Submit via email: **YES**Requester's email: **Rep.Wieckert@legis.state.wi.us**

Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Printing prescription purpose on prescription label

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	mkunkel 06/02/2003	kgilfoy 06/02/2003	rschluet 06/02/2003	_____	amentkow 06/02/2003		S&L Crime
/2	mkunkel 08/08/2003	kgilfoy 08/11/2003	rschluet 08/11/2003	_____	lrb_docadmin 08/11/2003		

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Page 2

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3	mkunkel 09/05/2003	kgilfoy 09/05/2003	pgreensl 09/05/2003	_____	lemery 09/05/2003	lemery 09/05/2003	

FE Sent For:

&lt;END&gt;

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/2	mkunkel 08/08/2003	kgilfoy 08/11/2003	rschluet 08/11/2003		lrb_docadmin 08/11/2003		

1/3 - 9/5  
Kung9/5  
PS9/5  
SetePA's  
please  
jacket  
"1/3"

MDK

FE Sent For:

**<END>**

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**Topic:**

Printing prescription purpose on prescription label

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**Instructions:**

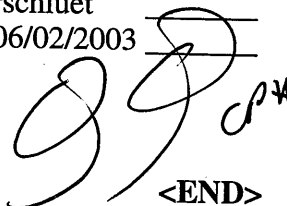
See Attached

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/1	mkunkel 06/02/2003	kgilfoy 06/02/2003	rschluet 06/02/2003		amentkow 06/02/2003		

FE Sent For:

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Kmg  
<END>  
8-11-3

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Page 1,

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Printing prescription purpose on prescription label

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**Instructions:**

See Attached

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1?	mkunkel	1-6/2 King					
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FE Sent For:

  
<END>

# An Act

HOUSE BILL 03-1063

BY REPRESENTATIVE(S) Johnson R., Borodkin, Briggs, Cloer, Madden, Merrifield, Paccione, Romanoff, Rose, Sanchez, Vigil, and Williams S.; also SENATOR(S) Entz, Fitz-Gerald, Groff, Grossman, Hanna, Isgar, Keller, Sandoval, Tapia, Tupa, and Windels.

CONCERNING A PATIENT'S OPTION TO CHOOSE TO HAVE THE PURPOSE FOR WHICH A DRUG IS PRESCRIBED PRINTED ON THE PRESCRIPTION LABEL.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 12-22-102 (22.5) (a), Colorado Revised Statutes, is amended to read:

**12-22-102. Definitions.** As used in this part 1, unless the context otherwise requires:

(22.5) "Order" means:

(a) A prescription order which is any order, other than a chart order, authorizing the dispensing of a single drug or device that is written, mechanically produced, computer generated and signed by the practitioner, transmitted electronically or by facsimile, or PRODUCED by other means of communication by a practitioner and ~~which~~ THAT includes the name or

identification of the patient, the date, THE SYMPTOM OR PURPOSE FOR WHICH THE DRUG IS BEING PRESCRIBED, IF INCLUDED BY THE PRACTITIONER AT THE PATIENT'S AUTHORIZATION, and sufficient information for compounding, dispensing, and labeling; or

**SECTION 2.** 12-22-123 (1) (c), Colorado Revised Statutes, is amended to read:

**12-22-123. Labeling.** (1) A prescription drug dispensed pursuant to an order must be labeled as follows:

(c) (I) If the prescription is for an anabolic steroid, the purpose for which the anabolic steroid is being prescribed shall appear on the label.

(II) IF THE PRESCRIPTION IS FOR ANY DRUG OTHER THAN AN ANABOLIC STEROID, THE SYMPTOM OR PURPOSE FOR WHICH THE DRUG IS BEING PRESCRIBED SHALL APPEAR ON THE LABEL, IF, AFTER BEING ADVISED BY THE PRACTITIONER, THE PATIENT OR THE PATIENT'S AUTHORIZED REPRESENTATIVE SO REQUESTS. IF THE SYMPTOM OR PURPOSE FOR WHICH A DRUG IS BEING PRESCRIBED IS NOT PROVIDED BY THE PRACTITIONER, THE PHARMACIST MAY FILL THE PRESCRIPTION ORDER WITHOUT CONTACTING THE PRACTITIONER, PATIENT, OR THE PATIENT'S REPRESENTATIVE, UNLESS THE PRESCRIPTION IS FOR AN ANABOLIC STEROID.

PRACTITIONER  
ADVISES  
PATIENT  
REQUESTS

PRACTITIONER  
INCLUDES

IF NOT INCLUDED  
PHARM  
FILLS

**SECTION 3.** 18-18-102 (23) (a), Colorado Revised Statutes, is amended to read:

**18-18-102. Definitions.** As used in this article:

(23) "Order" means:

(a) A prescription order which is any order, other than a chart order, authorizing the dispensing of drugs or devices that is written, mechanically produced, computer generated, transmitted electronically or by facsimile, or PRODUCED BY other means of communication by a practitioner and that includes the name or identification of the patient, the date, THE SYMPTOM OR PURPOSE FOR WHICH THE DRUG IS BEING PRESCRIBED, IF INCLUDED BY THE PRACTITIONER AT THE PATIENT'S AUTHORIZATION, and sufficient information for compounding, dispensing, and labeling; or



**SECTION 4.** Part 1 of article 32 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**12-32-107.5. Prescriptions - requirement to advise patients.**

(1) A PODIATRIST LICENSED UNDER THIS ARTICLE MAY ADVISE THE PODIATRIST'S PATIENTS OF THEIR OPTION TO HAVE THE SYMPTOM OR PURPOSE FOR WHICH A PRESCRIPTION IS BEING ISSUED INCLUDED ON THE PRESCRIPTION ORDER.

(2) A PODIATRIST'S FAILURE TO ADVISE A PATIENT UNDER SUBSECTION (1) OF THIS SECTION SHALL NOT BE GROUNDS FOR ANY DISCIPLINARY ACTION AGAINST THE PODIATRIST'S PROFESSIONAL LICENSE ISSUED UNDER THIS ARTICLE. FAILURE TO ADVISE A PATIENT PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL NOT BE GROUNDS FOR ANY CIVIL ACTION AGAINST A PODIATRIST IN A NEGLIGENCE OR TORT ACTION, NOR SHALL SUCH FAILURE BE EVIDENCE IN ANY CIVIL ACTION AGAINST A PODIATRIST.

PODIATRIST  
FAILURE  
TO  
ADVISE  
NOT REASON  
FOR DISCIPLINE  
OR  
CIVIL  
ACTION  
OR  
EVIDENCE

**SECTION 5.** 12-35-122, Colorado Revised Statutes, is amended to read:

**12-35-122. Dentists may prescribe drugs, etc.** (1) A dentist has the right to prescribe such drugs or medicine, perform such surgical operations, administer such general or local anesthetics, and use such appliances as may be necessary to the proper practice of dentistry. A dentist shall not prescribe, distribute, or give to a family member or himself or herself any habit-forming drug, as defined in section 12-22-102 (13), or any controlled substance, as defined in part 2 of article 18 of title 18, C.R.S., or as contained in schedule II of 21 U.S.C. sec. 812, other than in the course of legitimate dental practice and pursuant to the rules promulgated by the board regarding controlled substance record-keeping.

DENTIST

(2) A DENTIST LICENSED UNDER THIS ARTICLE MAY ADVISE THE DENTIST'S PATIENTS OF THEIR OPTION TO HAVE THE SYMPTOM OR PURPOSE FOR WHICH A PRESCRIPTION IS BEING ISSUED INCLUDED ON THE PRESCRIPTION ORDER.

(3) A DENTIST'S FAILURE TO ADVISE A PATIENT UNDER SUBSECTION (2) OF THIS SECTION SHALL NOT BE GROUNDS FOR ANY DISCIPLINARY ACTION AGAINST THE DENTIST'S PROFESSIONAL LICENSE ISSUED UNDER THIS ARTICLE.

NO  
DISC.

FAILURE TO ADVISE A PATIENT PURSUANT TO SUBSECTION (2) OF THIS SECTION SHALL NOT BE GROUNDS FOR ANY CIVIL ACTION AGAINST A DENTIST IN A NEGLIGENCE OR TORT ACTION, NOR SHALL SUCH FAILURE BE EVIDENCE IN ANY CIVIL ACTION AGAINST A DENTIST.

**SECTION 6.** Part 1 of article 36 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**12-36-117.5. Prescriptions - requirement to advise patients.**

(1) A PHYSICIAN LICENSED UNDER THIS ARTICLE, OR A PHYSICIAN ASSISTANT LICENSED BY THE BOARD WHO HAS BEEN DELEGATED THE AUTHORITY TO PRESCRIBE MEDICATION, MAY ADVISE THE PHYSICIAN'S OR THE PHYSICIAN ASSISTANT'S PATIENTS OF THEIR OPTION TO HAVE THE SYMPTOM OR PURPOSE FOR WHICH A PRESCRIPTION IS BEING ISSUED INCLUDED ON THE PRESCRIPTION ORDER.

(2) A PHYSICIAN'S OR A PHYSICIAN ASSISTANT'S FAILURE TO ADVISE A PATIENT UNDER SUBSECTION (1) OF THIS SECTION SHALL NOT BE GROUNDS FOR ANY DISCIPLINARY ACTION AGAINST THE PHYSICIAN'S OR THE PHYSICIAN ASSISTANT'S PROFESSIONAL LICENSE ISSUED UNDER THIS ARTICLE. FAILURE TO ADVISE A PATIENT PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL NOT BE GROUNDS FOR ANY CIVIL ACTION AGAINST A PHYSICIAN OR PHYSICIAN'S ASSISTANT IN A NEGLIGENCE OR TORT ACTION, NOR SHALL SUCH FAILURE BE EVIDENCE IN ANY CIVIL ACTION AGAINST A PHYSICIAN OR A PHYSICIAN'S ASSISTANT.

**SECTION 7.** 12-38-111.6 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**12-38-111.6. Prescriptive authority - advance practice nurses.**

(3) (d) (I) AN ADVANCED PRACTICE NURSE WHO HAS BEEN GRANTED AUTHORITY TO PRESCRIBE PRESCRIPTION DRUGS AND CONTROLLED SUBSTANCES UNDER THIS ARTICLE MAY ADVISE THE NURSE'S PATIENTS OF THEIR OPTION TO HAVE THE SYMPTOM OR PURPOSE FOR WHICH A PRESCRIPTION IS BEING ISSUED INCLUDED ON THE PRESCRIPTION ORDER.

(II) A NURSE'S FAILURE TO ADVISE A PATIENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) SHALL NOT BE GROUNDS FOR ANY DISCIPLINARY ACTION AGAINST THE NURSE'S PROFESSIONAL LICENSE ISSUED UNDER THIS ARTICLE. FAILURE TO ADVISE A PATIENT PURSUANT TO SUBPARAGRAPH (I)

PHYS  
d  
PHYSICIAN  
ASST

ADVANCED  
PRACTICE  
NURSES

OF THIS PARAGRAPH (d) SHALL NOT BE GROUNDS FOR ANY CIVIL ACTION AGAINST A NURSE IN A NEGLIGENCE OR TORT ACTION, NOR SHALL SUCH FAILURE BE EVIDENCE IN ANY CIVIL ACTION AGAINST A NURSE.

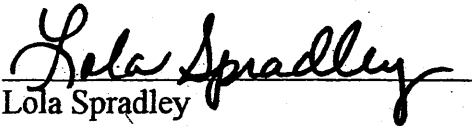
**SECTION 8.** Article 40 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**12-40-109.7. Prescriptions - requirement to advise patients.**

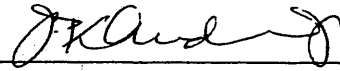
*Optometrist*  
(1) AN OPTOMETRIST LICENSED UNDER THIS ARTICLE MAY ADVISE THE OPTOMETRIST'S PATIENTS OF THEIR OPTION TO HAVE THE SYMPTOM OR PURPOSE FOR WHICH A PRESCRIPTION IS BEING ISSUED INCLUDED ON THE PRESCRIPTION ORDER.

(2) AN OPTOMETRIST'S FAILURE TO ADVISE A PATIENT UNDER SUBSECTION (1) OF THIS SECTION SHALL NOT BE GROUNDS FOR ANY DISCIPLINARY ACTION AGAINST THE OPTOMETRIST'S PROFESSIONAL LICENSE ISSUED UNDER THIS ARTICLE.

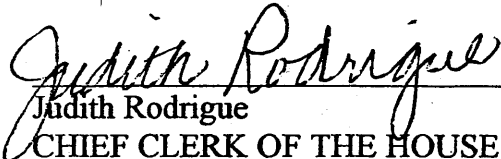
**SECTION 9. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



Lola Spradley  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



John Andrews  
PRESIDENT OF  
THE SENATE

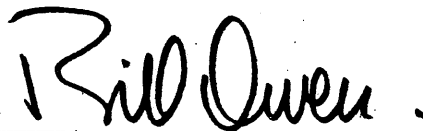


Judith Rodrigue  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES



Mona Heustis  
SECRETARY OF  
THE SENATE

APPROVED March 25, 2023 at 3:15 P.



Bill Owens  
GOVERNOR OF THE STATE OF COLORADO



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-25651

MDK: King  
RMR

Tues. A.M.

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

NOTE

gen cat

in addition to  
the above  
information

1 AN ACT ...; relating to: prescription drug labels.

**Analysis by the Legislative Reference Bureau**

Current law requires prescription drug labels to specify certain information, including the name and address of the practitioner who prescribed the drug, the date on which the prescription was dispensed, the name of the patient, and directions for the use of the drug product or device.

This bill requires prescription drug labels also to specify the symptom or purpose for which the drug is being prescribed if the patient wants that information to appear on the label. The practitioner who prescribes the drug must ask the patient if the patient wants the symptom or purpose to appear on the label. If the patient does want that information on the label, the practitioner must add that information to the prescription order and the pharmacist must include that information on the prescription drug label.

**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

- 2 SECTION 1. 450.11 (1) of the statutes is amended to read:
- 3 450.11 (1) DISPENSING. No person may dispense any prescribed drug or device
- 4 except upon the prescription order of a practitioner. All prescription orders shall
- 5 specify the date of issue, the name and address of the patient, the name and address

1 of the practitioner, the name and quantity of the drug product or device prescribed,  
2 directions for the use of the drug product or device, the symptom or purpose for which  
3 the drug is being prescribed if required under sub. (4) (a) 8.✓ and, if the order is  
4 written by the practitioner, the signature of the practitioner. Any oral prescription  
5 order shall be immediately reduced to writing by the pharmacist and filed according  
6 to sub. (2).

History: 1985 a. 146; 1997 a. 27, 175, 283; 2001 a. 109.

7 **SECTION 2.** 450.11 (4) (a) 8. of the statutes is created to read:

8 450.11 (4) (a) 8. The symptom or purpose for which the drug is being prescribed  
9 if the prescription order specifies the symptom or purpose under sub. (4m).✓

10 **SECTION 3.** 450.11 (4m) of the statutes is created to read:

11 450.11 (4m) LABEL OPTIONS. Before making a prescription order, a practitioner  
12 shall ask the patient if the patient wants the symptom or purpose for the prescription  
13 to be disclosed on the label. If the patient wants the symptom or purpose for the  
14 prescription to be disclosed on the label, the practitioner shall specify the symptom  
15 or purpose in the prescription order.

16 **SECTION 4. Initial applicability.**

17 (1) The treatment of section 450.11 (4m)✓ of the statutes first applies to  
18 prescription orders that are made on the effective day of this subsection.

19 **SECTION 5. Effective date.**

20 (1) This act takes effect on the first day of the 6th month beginning after  
21 publication.

22 (END)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2565/1dn

MDK: *king*

Representative Wieckert:

Please note the following about this bill:

1. The Colorado law permits a pharmacist to fill a prescription order without contacting the practitioner or patient if the practitioner does not provide the symptom or purpose on the prescription order. I did not include this provision because the practitioner is already authorized to fill such a prescription order, and, therefore, I do not think it is necessary.
2. The Colorado law also states that a practitioner's failure to ask the patient if he or she wants the symptom or purpose on the label is not grounds for discipline or grounds for a civil suit. Also, the failure may not be used as evidence in a civil suit. I did not include these provisions because discipline is one means of enforcing the law. If you would like this failure to be exempt from discipline or liability, please let me know
3. The penalty for violating s. 450.11 (1) or (4m) is a fine of ~~between \$50 and \$100~~ *not more than \$500* or imprisonment for ~~between 30 and 90 days~~ *not more than 6 months*, or both the fine and imprisonment. If you would like a different penalty, please let me know.
4. I added a delayed effective date because practitioners may need to change their prescription forms or computer programs to allow additional space on the prescription order. Also, pharmacists may have to change their label forms or computer programs to allow additional space on the prescription label. Is that OK?

Mark D. Kunkel  
Senior Legislative Attorney  
Phone: (608) 266-0131  
E-mail: mark.kunkel@legis.state.wi.us

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2565/1dn  
MDK:kmg:rs

June 2, 2003

Representative Wieckert:

Please note the following about this bill:

1. The Colorado law permits a pharmacist to fill a prescription order without contacting the practitioner or patient if the practitioner does not provide the symptom or purpose on the prescription order. I did not include this provision because the practitioner is already authorized to fill such a prescription order, and, therefore, I do not think it is necessary.
2. The Colorado law also states that a practitioner's failure to ask the patient if he or she wants the symptom or purpose on the label is not grounds for discipline or grounds for a civil suit. Also, the failure may not be used as evidence in a civil suit. I did not include these provisions because discipline is one means of enforcing the law. If you would like this failure to be exempt from discipline or liability, please let me know
3. The penalty for violating s. 450.11 (1) or (4m) is a fine of not more than \$500 or imprisonment for not more than 6 months, or both the fine and imprisonment. If you would like a different penalty, please let me know.
4. I added a delayed effective date because practitioners may need to change their prescription forms or computer programs to allow additional space on the prescription order. Also, pharmacists may have to change their label forms or computer programs to allow additional space on the prescription label. Is that OK?

Mark D. Kunkel  
Senior Legislative Attorney  
Phone: (608) 266-0131  
E-mail: mark.kunkel@legis.state.wi.us



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2565/1dn  
MDK:kmg:rs

June 2, 2003

*Per Rep.  
Wieckert: create  
exemption from  
discipline*

Representative Wieckert:

Please note the following about this bill:

1. The Colorado law permits a pharmacist to fill a prescription order without contacting the practitioner or patient if the practitioner does not provide the symptom or purpose on the prescription order. I did not include this provision because the practitioner is already authorized to fill such a prescription order, and, therefore, I do not think it is necessary.
2. The Colorado law also states that a practitioner's failure to ask the patient if he or she wants the symptom or purpose on the label is not grounds for discipline or grounds for a civil suit. Also, the failure may not be used as evidence in a civil suit. I did not include these provisions because discipline is one means of enforcing the law. If you would like this failure to be exempt from discipline or liability, please let me know
3. The penalty for violating s. 450.11 (1) or (4m) is a fine of not more than \$500 or imprisonment for not more than 6 months, or both the fine and imprisonment. If you would like a different penalty, please let me know.
4. I added a delayed effective date because practitioners may need to change their prescription forms or computer programs to allow additional space on the prescription order. Also, pharmacists may have to change their label forms or computer programs to allow additional space on the prescription label. Is that OK?

Mark D. Kunkel  
Senior Legislative Attorney  
Phone: (608) 266-0131  
E-mail: mark.kunkel@legis.state.wi.us

*create*

*\$100 fine*

## 2003 BILL

By WED  
8/13

O-NOTE

PM has  
been RUN

INSERT 1A ✓

and providing a  
penalty

1 AN ACT *to amend* 450.11 (1); and *to create* 450.11 (4) (a) 8. and 450.11 (4m) of  
2 the statutes; **relating to:** prescription drug labels.

***Analysis by the Legislative Reference Bureau***

Current law requires prescription drug labels to specify certain information, including the name and address of the practitioner who prescribed the drug, the date on which the prescription was dispensed, the name of the patient, and directions for the use of the drug product or device.

This bill requires prescription drug labels to specify, in addition to the above information, the symptom or purpose for which the drug is being prescribed if the patient wants the symptom or purpose to appear on the label. The practitioner who prescribes the drug must ask the patient if the patient wants the symptom or purpose to appear on the label. If the patient wants that information on the label, the practitioner must add that information to the prescription order and the pharmacist must include that information on the prescription drug label. R

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

3 **SECTION 1.** 450.11 (1) of the statutes is amended to read:

4 450.11 (1) DISPENSING. No person may dispense any prescribed drug or device  
5 except upon the prescription order of a practitioner. All prescription orders shall

INSERT 1-3 ✓

**BILL**

1 specify the date of issue, the name and address of the patient, the name and address  
2 of the practitioner, the name and quantity of the drug product or device prescribed,  
3 directions for the use of the drug product or device, the symptom or purpose for which  
4 the drug is being prescribed if required under sub. (4) (a) 8., and, if the order is  
5 written by the practitioner, the signature of the practitioner. Any oral prescription  
6 order shall be immediately reduced to writing by the pharmacist and filed according  
7 to sub. (2).

8 **SECTION 2.** 450.11 (4) (a) 8. of the statutes is created to read:

9 450.11 (4) (a) 8. The symptom or purpose for which the drug is being prescribed  
10 if the prescription order specifies the symptom or purpose under sub. (4m).

11 **SECTION 3.** 450.11 (4m) of the statutes is created to read:

12 450.11 (4m) LABEL OPTIONS. Before making a prescription order, a practitioner  
13 shall ask the patient if the patient wants the symptom or purpose for the prescription  
14 to be disclosed on the label. If the patient wants the symptom or purpose for the  
15 prescription to be disclosed on the label, the practitioner shall specify the symptom  
16 or purpose in the prescription order.

17 **SECTION 4. Initial applicability.**

18 (1) The treatment of section 450.11 (4m) of the statutes first applies to  
19 prescription orders that are made on the effective day of this subsection.

20 **SECTION 5. Effective date.**

21 (1) This act takes effect on the first day of the 6th month beginning after  
22 publication.

23 (END)

INSERT ✓  
2-16

INSERT ✓  
2-19

**2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2565/2ins  
MDK:.....

**INSERT 1A:** ✓

not

A practitioner or pharmacist who violates the bill's requirements may be fined ~~at~~ more than \$100. However, failure to comply with the requirements is not grounds for taking disciplinary action against a pharmacist or practitioner.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

**INSERT 1-3:** ✓

**SECTION 1.** 441.07 (1) (e) of the statutes is amended to read:

441.07 (1) (e) A violation of any state or federal law that regulates prescribing or dispensing drugs or devices, except s. 450.11 (4m), if the person has a certificate to prescribe drugs or devices under s. 441.16.

History: 1977 c. 418; 1979 c. 317, 337; 1981 c. 162; 1983 a. 273 s. 8; 1985 a. 29, 340; 1987 a. 264; 1993 a. 138; 1995 a. 309; 1997 a. 237; 1999 a. 22.

**SECTION 2.** 447.07 (3) (L) of the statutes is amended to read:

447.07 (3) (L) Violated ch. 450 or 961, except s. 450.11 (4m).

History: 1975 c. 94 s. 91 (12); 1977 c. 29; 1977 c. 418; 1979 c. 162; 1981 c. 65, 380; 1981 c. 391 ss. 169, 211; 1983 a. 289; 1985 a. 29, 146; 1987 a. 316; 1989 a. 349; 1995 a. 448; 1997 a. 96, 97, 237.

**SECTION 3.** 448.015 (4) of the statutes is amended to read:

448.015 (4) "Unprofessional conduct" means those acts or attempted acts of commission or omission defined as unprofessional conduct by the board under the authority delegated to the board by s. 15.08 (5) (b) and any act by a physician or physician assistant in violation of ch. 450 or 961, except s. 450.11 (4m).

History: 1997 a. 175 ss. 16, 23, 24, 25, 27; 1999 a. 32; 2001 a. 89, 105.

**SECTION 4.** 448.60 (5) of the statutes is amended to read:

448.60 (5) "Unprofessional conduct" means an act or attempted act of commission or omission, as defined by the affiliated credentialing board by rule

1 under s. 448.695 (1), or an act by a podiatrist in violation of ch. 450 or 961, except s.  
2 450.11 (4m).

History: 1997 a. 175 ss. 21, 22, 69.

3 **SECTION 5.** 450.10 (1) (a) 2. of the statutes is amended to read:  
4 450.10 (1) (a) 2. Violating this chapter, except s. 450.11 (4) (a) 8., or, subject to  
5 s. 961.38 (4r), ch. 961 or any federal or state statute or rule which substantially  
6 relates to the practice of the licensee.

History: 1985 a. 146; 1987 a. 264, 399; 1989 a. 31, 316; 1991 a. 39, 160; 1993 a. 222, 443; 1995 a. 27 s. 9145 (1); 1995 a. 448; 1997 a. 27, 67, 75, 175; 1999 a. 9, 32, 180; 2001 a. 70, 80.

7 **INSERT 2-16:**

8 **SECTION 6.** 450.11 (9) (b) of the statutes is renumbered 450.11 (9) 1.

9 **SECTION 7.** 450.11 (9) (b) 2. of the statutes is created to read:

10 450.11 (9) (b) 2. Any person who violates sub. (4) (a) 8. or (4m) may be fined  
11 more than \$100.

12 **INSERT 2-19:**

13 (2) The ~~treatment~~ of section 450.11 (9) (b) of the statutes and the creation of  
14 section 450.11 (9) (b) 2. of the statutes first apply to violations occurring on the  
15 effective date of this subsection.

renumbering

as affected by 2001 Wisconsin Act 109  
(b)  
not

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2565/2dn

MDK: *king*

Rep. Wieckert:

This version makes the changes *that* you requested regarding the \$100 fine and the exemption from discipline.

Mark D. Kunkel  
Senior Legislative Attorney  
Phone: (608) 266-0131  
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**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2565/2dn  
MDK:kmg:rs

August 11, 2003

Rep. Wieckert:

This version makes the changes that you requested regarding the \$100 fine and the exemption from discipline.

Mark D. Kunkel  
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D-NOTE

## 2003 BILL

Ed: → LPS  
 No changes  
 "1/3" should be  
 identical to "1/2"  
 -MarIT

-2565/3

PM  
 two  
 lines  
 per

- 1 AN ACT *to amend* 450.11 (1); and *to create* 450.11 (4) (a) 8. and 450.11 (4m) of  
 2 the statutes; **relating to:** prescription drug labels.

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***Analysis by the Legislative Reference Bureau***

Current law requires prescription drug labels to specify certain information, including the name and address of the practitioner who prescribed the drug, the date on which the prescription was dispensed, the name of the patient, and directions for the use of the drug product or device.

This bill requires prescription drug labels to specify, in addition to the above information, the symptom or purpose for which the drug is being prescribed if the patient wants the symptom or purpose to appear on the label. The practitioner who prescribes the drug must ask the patient if the patient wants the symptom or purpose to appear on the label. If the patient wants that information on the label, the practitioner must add that information to the prescription order and the pharmacist must include that information on the prescription drug label.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

- 3 SECTION 1. 450.11 (1) of the statutes is amended to read:  
 4 450.11 (1) DISPENSING. No person may dispense any prescribed drug or device  
 5 except upon the prescription order of a practitioner. All prescription orders shall



**BILL**

1 specify the date of issue, the name and address of the patient, the name and address  
2 of the practitioner, the name and quantity of the drug product or device prescribed,  
3 directions for the use of the drug product or device, the symptom or purpose for which  
4 the drug is being prescribed if required under sub. (4) (a) 8., and, if the order is  
5 written by the practitioner, the signature of the practitioner. Any oral prescription  
6 order shall be immediately reduced to writing by the pharmacist and filed according  
7 to sub. (2).

8 **SECTION 2.** 450.11 (4) (a) 8. of the statutes is created to read:

9 450.11 (4) (a) 8. The symptom or purpose for which the drug is being prescribed  
10 if the prescription order specifies the symptom or purpose under sub. (4m).

11 **SECTION 3.** 450.11 (4m) of the statutes is created to read:

12 450.11 (4m) LABEL OPTIONS. Before making a prescription order, a practitioner  
13 shall ask the patient if the patient wants the symptom or purpose for the prescription  
14 to be disclosed on the label. If the patient wants the symptom or purpose for the  
15 prescription to be disclosed on the label, the practitioner shall specify the symptom  
16 or purpose in the prescription order.

17 **SECTION 4. Initial applicability.**

18 (1) The treatment of section 450.11 (4m) of the statutes first applies to  
19 prescription orders that are made on the effective day of this subsection.

20 **SECTION 5. Effective date.**

21 (1) This act takes effect on the first day of the 6th month beginning after  
22 publication.

23 (END)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2565/3dn  
MDK:.....

Rep. Wieckert:

This version of the bill is identical to the "/1" version.

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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2565/3dn  
MDK:kmg:pg

September 5, 2003

Rep. Wieckert:

This version of the bill is identical to the "/1" version.

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**Emery, Lynn**

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**From:** Emery, Lynn  
**Sent:** Tuesday, September 09, 2003 2:45 PM  
**To:** Becher, Scott  
**Subject:** LRB-2565/3 & 3dn (attached as requested)

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09/09/2003